

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1579 Session of 2025

INTRODUCED BY T. JONES, PROKOPIAK, JAMES, MARCELL, TOMLINSON,
LABS, SANCHEZ, KRUPA AND ZIMMERMAN, JUNE 9, 2025

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 9, 2025

AN ACT

1 Amending Title 44 (Law and Justice) of the Pennsylvania
2 Consolidated Statutes, in constables, further providing for
3 townships, providing for bond, further providing for police
4 officers, providing for bail bond enforcement agent, for
5 professional bondsman, for debt collection, for other
6 incompatible employment, for disqualification and for
7 nepotism, further providing for conduct and insurance, for
8 program established, for program contents, for restricted
9 account and for general imposition of duties and grant of
10 powers, providing for constabulary badge and uniform,
11 repealing provisions relating to arrest of offenders against
12 forest laws, further providing for executions, for arrest in
13 boroughs, for fees and for specific fees, repealing
14 provisions relating to impounding, selling and viewing fees,
15 further providing for seizure fees, for election notice in
16 certain areas, for incompetence and for compensation
17 violation, repealing provisions relating to failure to serve
18 in a township and providing for oversight; authorizing county
19 constabulary review boards; imposing duties on the
20 Pennsylvania Commission on Crime and Delinquency; and
21 imposing penalties.

22 The General Assembly of the Commonwealth of Pennsylvania
23 hereby enacts as follows:

24 Section 1. Section 7114 of Title 44 of the Pennsylvania
25 Consolidated Statutes is amended to read:

26 § 7114. Townships.

27 [(a) Election.--]The following shall apply:

1 (1) The qualified voters of every township shall vote
2 for and elect a properly qualified person for constable.

3 (2) The qualified electors of each township of the first
4 class may vote for and elect a properly qualified person to
5 serve as constable, in addition to the constable elected
6 under paragraph (1).

7 [(b) Procedure upon election; penalty.--Every person elected
8 to the office of constable in a township shall appear in court
9 on the first day of the next court of common pleas of the same
10 county to accept or decline the office. A person who neglects or
11 refuses to appear, after having been duly notified of the
12 election, shall forfeit to the township the sum of \$40 to be
13 levied by order of the court.]

14 (c) Bond.--The bond given by a constable in a township shall
15 be in a sum not less than \$500 nor more than \$3,000, as the
16 court shall direct, and shall be taken by the clerk of the court
17 in the name of the Commonwealth, with conditions for just and
18 faithful discharge by the constable of the duties of office. The
19 bond shall be held in trust for the use and benefit of persons
20 who may sustain injury by reason of neglect of duty, and for the
21 same purposes and uses as a sheriff's bond.]

22 Section 2. Title 44 is amended by adding a section to read:
23 § 7115. Bond.

24 The bond given by a constable shall be in a commercially
25 available sum not less than \$1,000 nor more than \$5,000, as the
26 court shall direct, and shall be taken by the clerk of the court
27 in the name of the Commonwealth, with conditions for just and
28 faithful discharge by the constable of the duties of office. The
29 bond shall be held in trust for the use and benefit of persons
30 who may sustain injury by reason of neglect of duty, and for the

1 same purposes and uses as a sheriff's bond.

2 Section 3. Section 7132 of Title 44 is amended to read:

3 § 7132. Police officers.

4 [(a) Constable employed as policeman not to accept other
5 fees in addition to salary.--]Except for public rewards and
6 legal mileage allowed to a constable or deputy constable for
7 traveling expenses, [and except as provided in subsection (b),
8 it is unlawful for] a constable or deputy constable who is also
9 employed as a [policeman to] police officer may not charge or
10 accept a fee or other compensation, other than [his] the salary
11 as a [policeman] police officer, for services rendered or
12 performed pertaining to [his] the office or duties as a
13 [policeman or constable.] police officer, constable or deputy
14 constable. Reimbursement for mileage is not payable to a
15 constable or deputy constable for travel within the municipality
16 if the constable or deputy constable is also employed as a
17 police officer.

18 [(b) Exception.--Unless prevented from doing so by the
19 operation of 8 Pa.C.S. Ch. 11 Subch. J (relating to civil
20 service for police and fire apparatus operators), borough
21 policemen who reside in the borough may hold and exercise the
22 office of constable in the borough, or in any ward thereof, and
23 receive all costs, fees and emoluments pertaining to such
24 office.]

25 Section 4. Title 44 is amended by adding sections to read:

26 § 7133. Bail bond enforcement agent.

27 (a) General rule.--

28 (1) Unless separately licensed within this Commonwealth
29 as a bail bond enforcement agent and except as provided in
30 subsection (b), a constable or deputy constable may not

1 recapture suspects who are released on bail.

2 (2) If separately licensed within this Commonwealth as a
3 bail bond enforcement agent, a constable or deputy constable
4 recapturing suspects released on bail shall comply with all
5 statutes and regulations governing bail bond enforcement
6 agents.

7 (b) Exception.--Regardless of licensure as a bail bond
8 enforcement agent, a constable or deputy constable may execute a
9 warrant of arrest issued for an individual released on bail.

10 § 7134. Professional bondsman.

11 A constable or deputy constable may not engage in or continue
12 to engage in business as a professional bondsman.

13 § 7135. Debt collection.

14 (a) Debt collector.--Except when engaged under judicial or
15 other civil process, a constable or deputy constable may not
16 enforce, collect, settle, adjust or compromise claims on behalf
17 of a creditor or collection agency.

18 (b) Collector-repossessor.--

19 (1) Unless regularly employed by an installment seller
20 or sales finance company, a constable or deputy constable may
21 not collect a payment on an installment sale contract or
22 repossess a motor vehicle that is the subject of an
23 installment sale contract.

24 (2) When collecting a payment or repossessing a motor
25 vehicle as regularly employed individuals, constables and
26 deputy constables may not hold themselves out to be
27 constables and deputy constables.

28 (3) A constable or deputy constable who is authorized as
29 a regularly employed individual to collect a payment or
30 repossess a motor vehicle may not independently contract to

1 perform the same or similar services as a constable or deputy
2 constable.

3 (c) Definitions.--As used in this section, the following
4 words and phrases shall have the meanings given to them in this
5 subsection unless the context clearly indicates otherwise:

6 "Claim." As defined in 18 Pa.C.S. § 7311(h) (relating to
7 unlawful collection agency practices).

8 "Collection agency." As defined in 18 Pa.C.S. § 7311(h).

9 "Creditor." As defined in 18 Pa.C.S. § 7311(h).

10 "Installment sale contract." As defined in 12 Pa.C.S. § 6202
11 (relating to definitions).

12 "Installment seller." As defined in 12 Pa.C.S. § 6202.

13 "Motor vehicle." As defined in 12 Pa.C.S. § 6202.

14 "Sales finance company." As defined in 12 Pa.C.S. § 6202.
15 § 7136. Other incompatible employment.

16 A constable or deputy constable may not accept employment or
17 continue to remain employed in any of the following capacities:

18 (1) A railroad or street railway police officer
19 appointed under 22 Pa.C.S. § 3301 (relating to appointment).

20 (2) A private detective as defined by section 2(c) of
21 The Private Detective Act of 1953.

22 § 7137. Disqualification.

23 (a) Ineligibility.--An individual is ineligible to serve as
24 a constable or deputy constable if the individual:

25 (1) was convicted of an offense graded as a felony;

26 (2) was convicted of an offense that requires the
27 individual to register under 42 Pa.C.S. Ch. 97 Subch. H
28 (relating to registration of sexual offenders) or I (relating
29 to continued registration of sexual offenders);

30 (3) was convicted of an offense under 18 Pa.C.S. Ch. 39

1 (relating to theft and related offenses), if graded as a
2 misdemeanor of the second degree or higher; or

3 (4) was convicted of driving under the influence of
4 alcohol or controlled substance as provided in 75 Pa.C.S. §
5 3802 (relating to driving under influence of alcohol or
6 controlled substance) on two or more occasions within a 10-
7 year period.

8 (b) Certification.--The Constables' Education and Training
9 Board may not certify a constable or deputy constable under
10 section 7144(9) (relating to program established) who is
11 disqualified under subsection (a). To comply with this section,
12 the Constables' Education and Training Board shall check
13 criminal history record information under 18 Pa.C.S. Ch. 91
14 (relating to criminal history record information).
15 § 7138. Nepotism.

16 (a) Magisterial district judge.--A magisterial district
17 judge may not request services from and may not assign work to a
18 constable or deputy constable who is a family member or
19 household member of the magisterial district judge or of a staff
20 member of the magisterial district judge.

21 (b) Constable or deputy constable.--A constable or deputy
22 constable may not perform work for or accept an assignment from
23 a magisterial district judge if the constable or deputy
24 constable is a family member or household member of the
25 magisterial district judge or of a staff member of the
26 magisterial district judge.

27 (c) Definitions.--As used in this section, the following
28 words and phrases shall have the meanings given to them in this
29 subsection unless the context clearly indicates otherwise:

30 "Family member or household member." A spouse, parent,

sibling, aunt, uncle, niece, nephew, cousin, grandparent,
grandchild or member of the same household.

Section 5. Sections 7142(b) and (c), 7144(12), 7145, 7149(a)
and (b) and 7151 of Title 44 are amended to read:

§ 7142. Conduct and insurance.

* * *

(b) Liability insurance.--Every constable and deputy
constable must file with the clerk of courts proof that he has,
currently in force, a policy of professional liability insurance
covering each individual in the performance of [his judicial]
duties with a minimum coverage of [\$250,000] \$500,000 per
incident and a minimum aggregate of [\$500,000] \$750,000 per
year. The Constables' Education and Training Board shall
[immediately] recurrently investigate and implement the most
cost-effective method of achieving liability insurance for
constables and deputy constables under this subsection.

(c) Loss of certification.--Any constable or deputy
constable who fails, neglects or refuses to maintain a current
insurance policy as required by subsection (b) or to file proof
thereof with the clerk of courts shall cease automatically to be
certified to perform [judicial] duties upon the expiration of
the policy of which proof has been filed with the clerk of
courts. A fee earned prior to loss of certification remains
payable to the constable or deputy constable.

* * *

§ 7144. Program established.

The board, with the review and approval of the commission,
shall:

* * *

(12) Make an annual report to the Governor and to the

General Assembly concerning:

(i) The administration of the Constables' Education and Training Program.

(ii) The activities of the board.

(iii) The costs of the program.

(iv) Proposed changes, if any, in this subchapter.

(v) The availability of insurance.

§ 7145. Program contents.

[The Constables' Education and Training Program shall include training for a total of 80 hours, the content of which shall be determined by regulation. The training shall include instruction in the interpretation and application of the fees provided for in section 7161 (relating to fees).]

(a) Hours and content generally.--The Constables' Education and Training Program shall include a minimum of 80 hours to a maximum of 120 hours of training for newly elected constables and deputy constables. Except as provided in subsection (b), the training content shall be determined by regulation.

(b) Subjects.--The training under this section shall include instruction in the following subjects:

(1) The interpretation and application of the fees provided for in section 7161 (relating to fees).

(2) The rules and regulations governing the proper use of an emergency vehicle, as that term is defined in 75 Pa.C.S. § 102 (relating to definitions).

(3) Constable arrest powers.

(4) The use of force in law enforcement.

(5) First aid training, including cardiopulmonary resuscitation education.

(6) Control tactics, including:

1 (i) The mechanics of arrest, restraint and control.

2 (ii) Less lethal weapon familiarization.

3 (iii) The transport of detainees.

4 (iv) In-custody risks.

5 (c) Completion.--

6 (1) A constable or deputy constable shall have two years
7 to complete training under this section.

8 (2) A constable or deputy constable who fails to meet
9 the training requirements established under this section
10 shall be ineligible to receive any salary, compensation or
11 other consideration or thing of value for the performance of
12 duties as a constable or deputy constable.

13 (d) Reduction of hours.--The Constables' Education and
14 Training Program may reduce the hours of education and training
15 required in this section if the constable or deputy constable,
16 because of prior education, training or experience, has acquired
17 knowledge or skill equivalent to that provided by the program.

18 § 7149. Restricted account.

19 (a) Account established.--There is established a special
20 restricted account within the General Fund, which shall be known
21 as the Constables' Education and Training Account, for the
22 purposes of financing training program expenses, the costs of
23 administering the program and all other costs associated with
24 the activities of the board and the implementation of this
25 subchapter and as provided under subsection (f). The Constables'
26 Education and Training Account shall also be used to pay the
27 costs associated with the county constabulary review boards
28 established under section 7179(b) (relating to oversight).

29 (b) Surcharge.--There is assessed as a cost in each case
30 before a magisterial district judge a surcharge of [~~\$5~~] \$10 per

docket number in each criminal case and ~~[\$5]~~ \$10 per named defendant in each civil case in which a constable or deputy constable performs a service provided in Subchapter G (relating to compensation), except that no county shall be required to pay this surcharge on behalf of any indigent or other defendant in a criminal case.

* * *

§ 7151. General imposition of duties and grant of powers.

Constables and deputy constables shall perform all duties authorized or imposed on them by statute.

Section 6. Title 44 is amended by adding a section to read:

§ 7151.1. Constabulary badge and uniform.

(a) Requirements.--When performing or attempting to perform a duty authorized by this chapter, a constable or deputy constable shall:

(1) Wear a police-style uniform or other clothing that clearly and conspicuously identifies the individual as a constable or deputy constable.

(2) Carry a constabulary badge.

(b) Uniform.--

(1) If a constable or deputy constable is wearing clothing that clearly and conspicuously identifies the individual as a constable or deputy constable, the writing on at least one article of the clothing must clearly and conspicuously state "constable" or "deputy constable" and may not exclusively state "police."

(2) When a constable or deputy constable is working with and accompanied by a second constable or a deputy, only one individual is required to wear a uniform or other clothing clearly and conspicuously identifying the individual as a

1 constable or deputy constable.

2 (c) Regulation.--By regulation, the Pennsylvania Commission
3 on Crime and Delinquency may establish standards for uniform or
4 other clothing consistent with this section.

5 (d) Identification card.--Upon the successful completion of
6 the training required under section 7145 (relating to program
7 contents), the Pennsylvania Commission on Crime and Delinquency
8 shall issue a constable or deputy constable an identification
9 card containing the following information:

10 (1) A distinguishing number assigned by the Pennsylvania
11 Commission on Crime and Delinquency to certified constables
12 or deputy constables.

13 (2) The name of the constable or deputy constable.

14 (3) A color photograph or photographic facsimile of the
15 constable or deputy constable.

16 (4) Other information as may be required by the
17 Pennsylvania Commission on Crime and Delinquency.

18 (e) Clothing.--A constable or deputy constable may not wear
19 a police-style uniform or other clothing that clearly and
20 conspicuously identifies the individual as a constable or deputy
21 constable or display a constabulary badge under this section if
22 the constable or deputy constable is performing duties or
23 services as a security guard employed by a patrol agency as
24 defined by section 2(e) of the act of August 21, 1953 (P.L.1273,
25 No.361), known as The Private Detective Act of 1953.

26 Section 7. Section 7155 of Title 44 is repealed:

27 [§ 7155. Arrest of offenders against forest laws.

28 If a person is detected by a constable in the act of
29 trespassing upon any forest or timber land within this
30 Commonwealth, under circumstances as to warrant reasonable

1 suspicion that the person has, is or may commit an offense
2 against any law for the protection of forests and timber land,
3 the constable may, without first procuring a warrant, arrest the
4 person.]

5 Section 8. Sections 7156(b) and 7158 of Title 44 are amended
6 to read:

7 § 7156. Executions.

8 * * *

9 (b) Invalid returns.--If a constable or deputy constable
10 makes a false return, does not produce the plaintiff's receipt
11 on the return day or makes a return deemed insufficient by the
12 magisterial district judge, the magisterial district judge shall
13 issue a summons to the constable or deputy constable to appear
14 on the designated day, which may not be more than eight days
15 from the date of issuance, to show cause why a writ of execution
16 should not be issued against the constable or deputy constable
17 for the amount of the writ of execution under subsection (a). If
18 the constable or deputy constable does not appear or does not
19 show sufficient cause why the writ of execution should not be
20 issued against [him] the constable or deputy constable, the
21 magisterial district judge shall enter judgment against the
22 constable or deputy constable for the amount of the writ of
23 execution under subsection (a) with costs. No stay may be
24 entered upon the writ of execution, and, upon application of the
25 plaintiff or [his] the plaintiff's agent, the magisterial
26 district judge shall issue an execution against the constable
27 for the amount of the judgment, which may be directed to an
28 authorized person. The summons under this subsection shall be
29 issued to an authorized person to serve. If the summons is not
30 served, that person shall pay a fine of [\$20] \$25. If an

1 authorized person cannot be conveniently found to serve the
2 summons, the magisterial district judge shall direct it to the
3 supervisor of the highways of the township, ward or district
4 where the constable or deputy constable resides, who shall serve
5 the summons or pay a penalty of [~~\$20~~] \$25.

6 * * *

7 § 7158. [~~Arrest in boroughs.~~

8 ~~In addition to any other powers granted under law, a~~
9 ~~constable of a borough shall, without warrant and upon view,~~
10 ~~arrest and commit for hearing any person who:~~

11 ~~(1) Is guilty of a breach of the peace, vagrancy,~~
12 ~~riotous or disorderly conduct or drunkenness.~~

13 ~~(2) May be engaged in the commission of any unlawful act~~
14 ~~tending to imperil the personal security or endanger the~~
15 ~~property of the citizens.~~

16 ~~(3) Violates any ordinance of the borough for which a~~
17 ~~fine or penalty is imposed.] Arrest powers.~~

18 (a) Authorization.--If probable cause exists, a readily
19 identifiable constable or deputy constable may, without warrant
20 and upon view, arrest and commit for hearing an individual who:

21 (1) engages in conduct prohibited under 18 Pa.C.S. §
22 5503 (relating to disorderly conduct);

23 (2) attempts to cause or intentionally, knowingly or
24 recklessly causes bodily injury to another individual;

25 (3) communicates, either directly or indirectly, a
26 threat to commit a crime of violence with intent to terrorize
27 another individual;

28 (4) recklessly engages in conduct that places or may
29 place another individual in danger of death or serious bodily
30 injury; or

1 (5) violates an ordinance for which a fine or penalty is
2 imposed.

3 (b) Fee.--A fee is not payable for the effectuation of a
4 warrantless arrest under this section.

5 (c) Definitions.--As used in this section, the following
6 words and phrases shall have the meanings given to them in this
7 subsection unless the context clearly indicates otherwise:

8 "Bodily injury." As defined in 18 Pa.C.S. § 2301 (relating
9 to definitions).

10 "Crime of violence." As defined in 42 Pa.C.S. § 9714(g)
11 (relating to sentences for second and subsequent offenses).

12 "Readily identifiable constable or deputy constable." A
13 constable or deputy constable who:

14 (1) is wearing a uniform or other clothing and carrying
15 a badge as required by section 7151.1 (relating to
16 constabulary badge and uniform); and

17 (2) makes a reasonable effort to identify as a constable
18 or deputy constable.

19 "Serious bodily injury." As defined in 18 Pa.C.S. § 2301.

20 Section 9. Section 7161(a), (e), (f), (g) and (h) of Title
21 44 are amended and the section is amended by adding a subsection
22 to read:

23 § 7161. Fees.

24 (a) Travel or mileage.--

25 (1) Actual mileage for travel by motor vehicle shall be
26 reimbursed at a rate equal to the highest rate allowed by the
27 Internal Revenue Service.

28 (2) Actual mileage for travel by motor vehicle is
29 reimbursable for distances equaling or exceeding one mile.

30 (3) If travel occurs by a mode other than motor vehicle,

1 reimbursement shall be for the vouchered travel expenses.

2 * * *

3 (e) Payment.--All civil, landlord-tenant and criminal fees
4 shall be paid by the court to the constable or deputy constable
5 as soon as possible and in no case not more than 15 days in
6 civil and landlord-tenant cases and 30 days in criminal cases
7 after the service is performed and a proper request for payment
8 is submitted, provided that, in criminal cases where the books
9 and accounts of the relevant county offices are payable on a
10 monthly basis, payment shall be made not more than 15 days after
11 the close of the month.

12 (f) Civil and landlord-tenant cases.--Fees in civil and
13 landlord-tenant cases shall be as follows:

14 (1) For serving complaint, summons or notice on suitor
15 or tenant, either personally or by leaving a copy, ~~[\$13]~~ \$20,
16 plus ~~[\$5]~~ \$10 for each additional defendant at the same
17 address, ~~[\$2.50]~~ \$5 for each return of service, plus mileage.

18 (2) For levying goods, including schedule of property
19 levied upon and set aside, notice of levy and return of
20 service, ~~[\$75]~~ \$125, plus mileage.

21 (3) For advertising personal property for public sale,
22 ~~[\$7]~~ \$10 per posting, with a maximum ~~[\$21]~~ \$30 fee, plus
23 mileage, plus the cost of advertising.

24 (4) For selling goods levied, receipts and returns to
25 court, ~~[\$85]~~ \$125, plus mileage.

26 (5) For making return of not found, ~~[\$13]~~ \$20, plus
27 mileage. Payment shall be limited to three returns of not
28 found.

29 (6) For executing order of possession, ~~[\$13]~~ \$20, plus
30 ~~[\$5]~~ \$10 for each additional defendant at the same address,

1 [\$2.50] \$5 for each return of service, plus mileage.

2 (7) For ejectment, [\$90, \$2.50] \$150, \$5 for each return
3 of service, plus mileage.

4 (8) For making any return of service other than not
5 found, [\$2.50] \$5 each.

6 (9) For providing courtroom security as ordered[, \$13]
7 by a magisterial district judge, \$25 per hour, assessed
8 against one or more parties as determined by the court.

9 (10) (i) Actual mileage for travel by motor vehicle
10 shall be reimbursed at the rate equal to the highest rate
11 allowed by the Internal Revenue Service.

12 (ii) Actual mileage for travel by motor vehicle is
13 reimbursable for distances equaling or exceeding one
14 mile.

15 (iii) If travel is by other than motor vehicle,
16 reimbursement shall be for vouchered travel expenses.

17 (g) Criminal cases.--Fees in criminal cases shall be as
18 follows:

19 (1) For executing each warrant of arrest not already
20 executed by a law enforcement agency or for effectuating the
21 payment of fines and costs by attempting to execute each
22 warrant of arrest, [\$25] \$50 for each docket number and
23 [\$2.50] \$5 for each return of service, plus mileage.

24 (2) For taking physical custody of a defendant, [\$5] \$25
25 per defendant[.], starting when released by a law enforcement
26 agency or jailor to the constable or deputy constable or
27 after the execution of a warrant of arrest and ending with
28 discharge or commitment with the starting and ending times
29 documented.

30 (3) For [conveyance of] physically taking a defendant to

1 or from court, [\$5] \$25 per defendant[.], but payable for
2 physically taking a defendant from court when directed to do
3 so and documented by a magisterial district judge. This fee
4 is not payable in addition to the fees for transporting
5 defendants by motor vehicle under paragraphs (9) and (10)
6 during the same trip.

7 (4) For physical attendance at arraignment or hearing,
8 [\$13.] \$25 as a flat fee, but beginning and ending times must
9 be documented.

10 (5) For executing discharge[, \$5] in lieu of arresting a
11 defendant on a warrant when the money was collected to clear
12 the warrant, \$25 per defendant.

13 (6) For executing judicial order of commitment[, \$5] to
14 jail, \$25 per defendant.

15 (7) For executing release[, \$5] of custody from the
16 police, a sheriff or a correctional facility to a constable
17 or deputy constable, \$25 per defendant.

18 (8) For making timely returns of completed paperwork to
19 the court[, \$2.50.] or issuing authority, \$5. For nonservice
20 of a criminal or bench warrant, the court may require the
21 constable or deputy constable to execute an affidavit of due
22 diligence documenting the search efforts.

23 (9) Transporting by motor vehicle each nonincarcerated
24 defendant to jail, [\$17] \$25, plus mileage; transporting by
25 motor vehicle an incarcerated prisoner, [\$38] \$50 per
26 prisoner, plus an hourly rate of [\$13] \$25 per hour, plus
27 mileage. Computation of hourly rate will apply after the
28 expiration of the first hour per prisoner per hour, not to
29 exceed [\$26] \$50 per hour per constable or deputy constable.

30 (10) Receipt of the fees for transporting by motor

1 vehicle a nonincarcerated defendant under paragraph (9) shall
2 not exclude receipt of the fees under paragraphs (6) and (8)
3 for that transport.

4 (11) Receipt of the fees for transporting by motor
5 vehicle an incarcerated prisoner under paragraph (9) shall
6 exclude receipt of the fees under paragraphs (2), (3), (4)
7 and (7) for the transport.

8 (12) (i) Actual mileage for travel by motor vehicle
9 shall be reimbursed at the rate equal to the highest rate
10 allowed by the Internal Revenue Service.

11 (ii) Actual mileage for travel by motor vehicle is
12 reimbursable for distances equaling or exceeding one
13 mile.

14 (iii) If travel is by other than motor vehicle,
15 reimbursement shall be for vouchered travel expenses.

16 (13) For [conveying] physically taking defendants for
17 fingerprinting[, \$17] at a location other than jail, \$25 per
18 defendant as ordered by the magisterial district judge per
19 defendant as ordered by the magisterial district judge, plus
20 [\$13] \$25 per hour while present beyond the first hour per
21 defendant per hour, not to exceed [\$26] \$50 per hour per
22 constable or deputy constable, plus mileage. Unless the
23 fingerprinting is done at a location other than the jail,
24 this fee is not payable in addition to the fees for
25 transporting defendants by motor vehicle under paragraphs (9)
26 and (10) during the same trip.

27 (14) For holding one or more defendants at the office of
28 a magisterial district judge[, \$13] for the time that the
29 constable or deputy constable remains prior to the start of
30 the hearing and the time after the conclusion of the hearing

1 but prior to release or transport, \$25 per hour per defendant
2 beyond the first half hour.

3 (15) For courtroom security as ordered[, \$13] by a
4 magisterial district judge, \$25 per hour, assessed against
5 one or more parties as determined by the court.

6 (16) In all criminal cases wherein the defendant is
7 discharged or indigent or the case is otherwise dismissed,
8 the court shall assess to the county the fee provided in this
9 section, except that, in cases of private criminal complaints
10 where the defendant is discharged prior to the indictment or
11 the filing of any information or the case is otherwise
12 dismissed at the summary offense hearing, the court [shall
13 assess the fee to the affiant.] may assess the fee to the
14 affiant, except in cases of domestic violence wherein the fee
15 shall be assessed to the county.

16 (17) The fees for physically taking a defendant under
17 paragraphs (3) and (13) are payable whether the defendant is
18 taken by motor vehicle or otherwise, but the fees for
19 transporting a defendant by motor under paragraphs (9), (10)
20 and (11) are not payable if the defendant is not transported
21 accordingly.

22 (h) Subpoenas.--For serving district court-issued subpoenas
23 for civil, landlord-tenant or criminal matters, [\$13] \$15 for
24 first witness, plus [\$5] \$6 for each additional witness at the
25 same address, [\$2.50] \$3 return of service for each subpoena,
26 plus mileage. The same fee shall be payable for attempting to
27 serve a subpoena at a wrong address supplied by the party
28 requesting the service. The fees for witnesses and return of
29 service under this subsection accrue per docket number.

30 * * *

1 (j) Nepotism.--A fee under this subchapter is not payable if
2 the claim for payment arose under the circumstances prohibited
3 in section 7138 (relating to nepotism).

4 Section 10. Section 7161.1(a) and (b) of Title 44 are
5 amended to read:

6 § 7161.1. Specific fees.

7 (a) Court appearances and returns.--For attendance on court
8 and making returns, the fees to be received by constables shall
9 be [~~\$2.50~~] \$2.75 per day.

10 (b) Notices of election.--For serving notices of their
11 election upon township or borough officers, the fees to be
12 received by constables or deputy constables shall be [~~\$0.15~~]
13 \$0.20 for each service.

14 * * *

15 Section 11. Section 7164 of Title 44 is repealed:

16 [~~§ 7164. Impounding, selling and viewing fees.~~

17 (a) Impounding and selling.--The fees collected by the
18 constable for impounding an animal shall be \$1 and \$2 for each
19 animal sold, provided that the fees of the constable for
20 impounding and selling amount to not more than \$4. The fees of
21 the magisterial district judge shall be \$1 for each case,
22 without regard to the number of animals impounded, for all cases
23 where no sale is made and \$3 for all cases where a sale is made.

24 (b) Viewing.--The fees for each viewer appointed to assess
25 the damages shall be \$1 for the first hour and \$.50 per hour for
26 each hour necessarily engaged after the first hour.]

27 Section 12. Sections 7165, 7171(b) and (c), 7172 and 7176 of
28 Title 44 are amended to read:

29 § 7165. Seizure fees.

30 (a) Registration plates and cards.--If constables and deputy

1 constables are delegated authority to seize registration plates
2 and registration cards under 75 Pa.C.S. § 1376(b)(5) (relating
3 to surrender of registration plates and cards upon suspension or
4 revocation), they shall be compensated by the department at the
5 rate of ~~[\$15]~~ \$17 for each registration plate and card jointly
6 seized, plus mileage. The department shall pay a constable or
7 deputy constable within 30 days after a documented request for
8 payment is submitted to it.

9 (b) Drivers' licenses.--If constables and deputy constables
10 are delegated authority to seize drivers' licenses under 75
11 Pa.C.S. § 1540(c)(1)(v) (relating to surrender of license), they
12 shall be compensated by the department at the rate of ~~[\$15]~~ \$17
13 for each driver's license seized, plus mileage. The department
14 shall pay a constable or deputy constable within 30 days after a
15 documented request is submitted to it.

16 § 7171. Election notice in certain areas.

17 * * *

18 (b) Acting constables.--The acting constable shall, within
19 six days after the election for a constable, give notice in
20 writing to the elected individual of election to the office. An
21 acting constable who violates this subsection shall pay a civil
22 penalty of ~~[\$16]~~ \$17 to the Commonwealth.

23 (c) Elected constables.--An individual elected and notified
24 under subsection (b) shall appear on the next day that the court
25 of common pleas of the applicable judicial district is in
26 session and either decline or accept the office. A constable
27 elect who violates this subsection shall pay a civil penalty of
28 ~~[\$16]~~ \$17 to the Commonwealth.

29 * * *

30 § 7172. Incompetence and removal.

1 (a) Inquiry.--A court of common pleas with competent
2 jurisdiction may inquire into the official conduct of the
3 constable or deputy constable if any of the following apply:

4 (1) A surety of the constable files a verified petition
5 alleging that the constable or deputy constable is
6 incompetent to discharge official duties because of
7 intemperance or neglect of duty.

8 (2) Any person files a verified petition alleging that
9 the constable [is] or deputy constable is malfeasant, engages
10 in conduct or employment prohibited by Subchapter D (relating
11 to conflicts) or is incompetent to discharge official duties
12 for a reason other than intemperance or neglect of duty. This
13 paragraph includes an act of oppression of a litigant or a
14 witness.

15 (b) Determination.--If the court determines that the
16 constable or deputy constable is malfeasant, has engaged in
17 conduct or employment prohibited by Subchapter D (relating to
18 conflicts) or is incompetent to discharge official duties, the
19 following apply:

20 (1) The court may:

21 (i) require additional security from the constable;

22 or

23 (ii) remove the constable or deputy constable from
24 office.

25 (2) Upon removal under paragraph (1)(ii), the court may
26 appoint a suitable individual to fill the vacancy until a
27 successor is elected and qualified. The appointed individual
28 must have a freehold estate with at least \$1,000 beyond
29 incumbrance or furnish security.

30 (c) Deputy constable.--A constable may revoke the

1 appointment of a deputy constable with or without court
2 approval.

3 § 7176. Compensation violation.

4 A constable who violates [the act of July 14, 1897 (P.L.206,
5 No.209), entitled "An act to regulate the remuneration of
6 policemen and constables employed as policemen throughout the
7 Commonwealth of Pennsylvania, and prohibiting them from charging
8 or accepting any fee or other compensation, in addition to their
9 salary, except as public rewards and mileage for traveling
10 expenses,"] section 7132 (relating to police officers) commits a
11 misdemeanor of the third degree and shall, upon conviction, be
12 sentenced to pay a fine of [\$50] \$1,000 or to imprisonment for
13 not more than 30 days, or both.

14 Section 13. Section 7178 of Title 44 is repealed:

15 [§ 7178. Failure to serve in a township.

16 (a) Scope of section.--This section applies to an individual
17 in a township if all of the following circumstances exist:

18 (1) The individual is elected or appointed a constable.

19 (2) The individual has a freehold estate worth at least
20 \$1,000.

21 (3) The individual fails to:

22 (i) serve; or

23 (ii) appoint a deputy to serve.

24 (b) Fine.--Except as set forth in subsection (c), an
25 individual under subsection (a) shall be fined \$40 for the use
26 of the appropriate township.

27 (c) Exception.--Subsection (b) shall not apply to an
28 individual who:

29 (1) has served personally or by deputy in the office of
30 constable of the same township within 15 years of election or

1 appointment; or

2 (2) has paid a fine under subsection (b) within 15 years
3 of election or appointment.]

4 Section 14. Title 44 is amended by adding a section to read:

5 § 7179. Oversight.

6 (a) County constabulary review board.--The county
7 commissioners or the president judge of a county, as provided
8 under subsection (c), shall create a county constabulary review
9 board to:

10 (1) Assist in resolving disputes involving constables or
11 deputy constables and their performance of duties or payment
12 for that performance.

13 (2) Establish uniform policies, procedures and standards
14 affecting constabulary service and payment for those
15 services. The county constabulary review board may adopt or
16 promulgate a constabulary handbook to do so.

17 (3) Comply with and implement any statute, regulation,
18 rule of court, judicial ruling or ruling from the county
19 constabulary review board affecting constabulary service.

20 (b) Membership.--Membership of a county constabulary review
21 board shall include:

22 (1) The following, who shall be appointed by the
23 president judge of the county:

24 (i) One common pleas judge or one magisterial
25 district judge.

26 (ii) One district court or special court
27 administrator.

28 (2) The county controller or a designee of the county
29 controller.

30 (3) The district attorney or a designee of the district

1 attorney.

2 (4) Two certified constables appointed by the district
3 attorney.

4 (c) Failure to act.--If the county commissioners of a county
5 do not create a county constabulary review board within one year
6 of the effective date of this subsection, the president judge of
7 the county shall create a county constabulary review board to
8 perform the duties authorized by this section.

9 (d) Appeal.--Commonwealth Court shall have jurisdiction to
10 hear any appeal or final order entered in any matter considered
11 by a county constabulary review board.

12 Section 15. This act shall take effect in 60 days.